



United States Department of the Interior

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Testimony of the U.S. Fish and Wildlife Service regarding AB 852

Assembly Committee on Natural Resources

March 21, 2010

Thank you Representative Black for all you have done on wetland protection in Wisconsin, and specifically for your work in developing this bill. The Partners for Fish and Wildlife Program supports Assembly Bill 852. This bill will streamline the regulatory process allowing Federal conservation programs to allocate federal funding in a timely manner to improve and restore Wisconsin's wetlands. This bill authorizes DNR to issue a general permit for wetland restoration activities sponsored by a federal agency (wetlands general permit) in lieu of issuing certain individual permits or water quality certifications that would otherwise be required for those activities.

Assembly Bill 852, along with NR353 supports a collaborative effort among State and Federal agencies to continue to improve Wisconsin's wetland resources. This collaborative effort recognizes the success of federal and state conservation programs and biological expertise of agency personnel. This bill reduces applicant time, forms, and documentation leading to an increase in productivity amongst conservation organizations; a savings of human capital time and energy that can be directed towards more on-the-ground accomplishments.

The Partners program is committed to Wisconsin's "Reversing the Loss" strategy for wetland protection and restoration. Since 1987, the Partners program has brought over \$12,000,000.00 in Federal funds to Wisconsin restoring 19,553 acres of privately owned wetlands. These landowners voluntarily participated with us to restore their wetlands and are a testimonial to how important wetlands are to the citizens of Wisconsin. Assembly Bill 852 provides legislation for the future of Wisconsin's wetlands and associated wildlife species dependent on these unique ecosystems. Again, thank you for allowing me to provide support to this bill.

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***Wisconsin Wetlands Association Testimony on AB 852
Submitted March 24, 2010 by Policy Director, Erin O'Brien***

Wisconsin Wetlands Association is dedicated to the protection, restoration and enjoyment of wetlands and associated ecosystems through science-based programs, education and advocacy. WWA is a non-profit 501(c)(3) organization.

Wisconsin Wetlands Association is here to register our strong support for this bill and to ask the members of this committee to do everything they can to ensure it is passed through both arms of the legislature and enacted into law this session.

The purpose of this bill is very simple. It authorizes the Wisconsin Department of Natural Resources to create a streamlined permit review and approval process for wetland restoration projects sponsored and built by the U.S. Fish and Wildlife Service and the Natural Resources Conservation Service (NRCS). Today you will hear from several agencies and non-profit organizations that provide wetland restoration services to Wisconsin's private landowners, so I will leave it to them to describe the nature of the permitting problems that they have encountered and that this bill aims to address. Instead, I will talk about the opportunity it offers.

Nearly 50% of Wisconsin's wetlands (~5 million acres) have been lost to drainage or development. Most of this occurred before our nation understood the critical water quality improvement, flood abatement, wildlife habitat, and other services that wetlands provide. Today these public benefits are more widely recognized and, fortunately, some of these losses are reversible. Landowners interested in restoring wetlands can also receive technical assistance and cost-share dollars through programs run by federal and state agencies and non-profit organizations.

75% of the remaining wetlands in the state are privately owned and the percentage of restoreable wetlands in private ownership is likely greater. Many of these lands are owned by farmers facing decisions on what to do with their land when they retire.

Though my organization does not restore wetlands directly, a major emphasis of our policy work is to help remove barriers to wetland restoration. This includes working to ensure that restoring wetlands is an economically viable option for interested landowners and that the agencies and organizations that do this important work have the tools and resources they need to be successful. So, for example, when Wisconsin farmers could no longer receive a fair price to restore wetlands on their property through the Wetlands

Reserve Program (WRP) due to changes in the U.S. Department of Agriculture's land appraisal methodologies, we worked with partners in Washington D.C. to secure a fix. The remedy enabled Wisconsin WRP to go from restoring only 700 wetland acres in 2007, to 7,353 acres in 2009. I share this to demonstrate the dramatic difference wetland restoration policies can have on our landscape.

A conservative estimate of the federal dollars available annually for wetland restoration in Wisconsin is \$20 million, but it can be much more, or much less depending upon how well we compete for those dollars against other states. Occasionally we also have the opportunity to compete for new pots of restoration funds. For example, Wisconsin brought in \$19.7 million in stimulus money to restore floodplain wetlands on agricultural lands that suffered crop damages during the 2008 floods. I should add that there was so much landowner interest in this program that Wisconsin NRCS could have spent more than \$60 million had the funds been available.

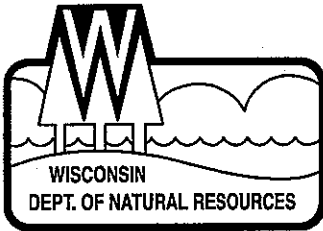
The most promising current opportunity for supplemental federal funds is through the Great Lakes Restoration Initiative which will allocate \$300-\$475 million in federal funds annually for the next 5 years for ecosystem restoration projects, including wetlands. I believe the U.S. Department of Interior has already received supplemental funds for some of their programs that restore wetlands.

AB 852 acknowledges the role that the U.S. Fish and Wildlife Service and Natural Resources Conservation Service play as partners in Wisconsin's efforts to restore wetlands to our landscape. Their services are rendered by experienced biologists, including some of the best wetland restoration professionals in the state if not the nation. We should be doing everything we can to support and expedite their work.

The permitting concerns we're discussing today are just one of the barriers that interfere with our ability to restore wetlands in Wisconsin. The fact that landowners are subject to a property tax penalty (sometimes substantial) when they restore wetlands in agricultural landscapes is another that is ripe for legislative action. We believe the Wisconsin legislature is committed to the protection and restoration of wetlands and we greatly appreciate all of the actions you have already taken in support of this cause.

We look forward to working with you to address these concerns and again encourage you to take swift action on AB 852.

Questions about these comments should be directed to Wisconsin Wetlands Association's Policy Director, Erin O'Brien at 608-250-9971 / erin.obrien@wisconsinwetlands.org.



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Testimony of the Department of Natural Resources regarding AB 852

Assembly Committee on Natural Resources March 24, 2010

Thank you Representative Black for leading this effort to create a streamlined general permit process for wetland restoration projects sponsored by our federal partners. We support Assembly Bill 852 because it will facilitate voluntary wetland restoration, a key component to accomplishing Wisconsin's wetland plan, to reverse the loss of the 4.7 million acres of wetlands that once existed in our state, as well as restore wetland health and functions to remaining wetlands. Restoring wetlands back to the landscape not only provides critical habitat for fish and wildlife, but it also restores key wetland services needed by society such as flood storage and clean water.

The Natural Resources Conservation Service (NRCS) and the U.S. Fish and Wildlife Service (FWS) are two federal agencies that implement specific programs focused on restoring wetlands, such as the Wetland Reserve Program, Conservation Reserve Program and the Partners for Fish and Wildlife Program. These federal agencies have professional staff dedicated to specifically designing and conducting wetland restoration. This bill recognizes NRCS and FWS are professionals in the business of restoring wetlands and provides DNR with the ability to create a streamlined general permit to authorize these agencies to conduct a variety of regulated activities associated with wetland restoration. Each year, thousands of wetland acres are restored in Wisconsin by NRCS and FWS, as well as DNR. The administrative general permit process allowed for under this bill will assist in getting more wetland acres restored and more quickly. This will ultimately help Wisconsin leverage millions of dollars in federal funding to restore 50 to 75 thousand acres of wetlands in the next 5 years.

For more than 10 years, we have worked with our federal and conservation partners in Wisconsin to help streamline regulatory requirements and improve interagency coordination. A 1999 Memorandum of Agreement outlines how the agencies will work together and minimizes duplication of work. In 2003, Wisconsin Administrative Code NR 353 was adopted to create a one-stop permit process specifically for all wetland conservation projects. In 2008 and 2009 we conducted a joint evaluation with NRCS and FWS to determine if further permit streamlining could be achieved for federal projects. This evaluation led to several recommendations, one of which is general permit authorization for federally-sponsored wetland conservation projects.

In closing, this bill provides the authority to create a general permit for federally sponsored wetland restoration projects, which will further streamline the permit process and implement several recommendations identified in our joint evaluation. It also provides the flexibility to renew the general permit through an administrative process every 5 years, which will allow us to adapt permit requirements to address future changes in restoration techniques. Most importantly, this bill will support continued collaboration between Wisconsin and our federal partners to facilitate and expedite wetland restoration in Wisconsin, and ultimately to reverse wetland loss.

